

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 2411 of 2005

Between:

B. Srinivas, S/o M.Mallappa,
R/o Venkatapally village, Mandal. Yalal,

Tq. Tandoor, Ranga Reddy District.

..... PETITIONER

AND

The Depot Manager, APSRTC,

H.C.U. Depot, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order, or direction more particularly in the nature of Certiorari, calling for the records vide the proceedings, No. 01/2(1)/2004-H.C.U, dt. 8-10-2004 passed by the Respondent and quash the same as illegal, arbitrary and violation of the principles of natural justice, and consequently direct the Respondent to reinstate the petitioner into service immediately along with all consequential benefits, and pass such any other order or orders as the Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.THIRUPATHI REDDY

Counsel for the Respondent : MR.V.T.M.PRASAD

The Court made the following :

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ORDER:

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The Writ Petition is filed seeking a Writ of Mandamus declaring the action of the third respondent in issuing the impugned proceedings dated 08-10-2004, deleting the name of the petitioner from the select/approved list of drivers as illegal, arbitrary and violation of principles of natural justice.

The grievance of the petitioner is that the respondent by impugned proceedings dated 08-10-2004 deleted his name from the select/approved list of drivers for causing an accident while driving the bus on 29-07-2004. Challenging the same, the present writ petition has been filed.

Learned counsel appearing for the petitioner submitted that the name of the petitioner was deleted from the select/approved list without conducting any enquiry and therefore, the respondent had violated the principles of natural justice and sought for setting aside the impugned proceedings.

On the other hand, the learned counsel appearing on behalf of the respondent, Sri V.T.M.Prasad, submitted that as the petitioner caused a fatal accident resulting in death, the respondent issued a show cause notice dated 29-07-2004, for which, the petitioner submitted his explanation and as the explanation was found unsatisfactory, the name of the petitioner was deleted from the approved/select list as per the Rules and the same does not require any enquiry and therefore, he prays to dismiss the writ petition.

The petitioner was charged for the offence punishable under Section 304-A I.P.C. A show cause notice dated 29-07-2004 was issued by the respondent to the petitioner for causing a fatal accident, for which, the petitioner submitted his explanation. Since the respondent was not satisfied with the explanation offered by the petitioner, the name of the petitioner was deleted from the select/approved list of drivers. Admittedly, no enquiry was conducted before passing the final orders. No doubt, the petitioner has been working as a casual driver, but he was duly selected and therefore, deletion of his name without conducting any enquiry amounts to violation of principles of natural justice. The

respondent-Depot Manager ought to have followed the principles of natural justice before deleting the name of the petitioner by duly conducting enquiry and after giving reasonable opportunity to him to adduce evidence. Hence, the impugned proceeding suffers from serious legal infirmities so as to call for interference of this Court and is liable to be set aside.

The writ petition is allowed setting aside the impugned proceedings dated 08-10-2004. However, this order does not preclude the respondent-Depot Manager to take any disciplinary action in accordance with law. No costs.

K.C.BHANU,J

Date: 14-02-2005

Prv

To

1. The Depot Manager, APSRTC,
H.C.U. Depot, Ranga Reddy District.

2. Two CD copies.

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